

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

DANNY HINKLE and TOMMY YOUNG,)
)
)
Plaintiffs,)
)
vs.) No.
)
)
THE RESULT GROUP, INC.,)
)
Defendant.)

COMPLAINT

Pursuant to Section 216(b) of the Fair Labor Standards Act (FLSA), Plaintiffs file this lawsuit against Defendant and allege the following:

1. The Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. Section 1331.
2. Defendant is a Tennessee corporation. Its principal office is located at 340 Seven Springs Way, Suite 700, Brentwood, Tennessee, 37027.
3. Defendant is a staffing company that employs personnel to perform job assignments and services for its clients.
4. Defendant hired Plaintiffs to fulfill a job assignments for Defendant's client, Marathon Petroleum. More specifically, Plaintiffs were hired to work in a position called "Smart Hands Tech."
5. Plaintiff Hinkle was employed by Defendant in this position from August of 2019 through March of 2020. Plaintiff Young was employed by Defendant in this position from September of 2019 through January of 2020.

6. Plaintiffs' primary duty in their jobs with Defendant included traveling to sites that were owned and/or operated by Marathon Petroleum and installing new/upgraded computer network hardware, including routers, switches, and cables. Plaintiffs also performed site surveys, which involved gathering information about the equipment that existed at various sites.

7. Defendant paid Plaintiffs an hourly wage for the work they performed.

8. Plaintiffs routinely worked overtime hours of more than 40 per workweek for which they were not paid overtime compensation of one and one-half times their regular rates of pay.

9. Rather than pay Plaintiffs overtime compensation, Defendant paid Plaintiffs their regular rate of pay, or "straight time," for all hours worked, including overtime hours.

10. In addition, Plaintiffs worked some overtime hours for which they received no compensation at all.

11. Defendant was an "employer" of each Plaintiff as defined by Section 203(d) of the FLSA.

12. Each Plaintiff was an "employee" of Defendant as defined by Section 203(e)(1) of the FLSA.

13. While Plaintiffs were employed by Defendant, Plaintiffs were engaged in commerce or in the production of goods for commerce as defined by Sections 207(a)(1) and 203(b) of the FLSA. More specifically, Plaintiffs travelled on interstate highways and crossed state lines to perform jobs for Defendant. Plaintiffs also installed equipment that crossed state lines and moved in interstate commerce.

14. Defendant was an enterprise engaged in commerce or in the production of goods for commerce as defined by Section 203(s)(1) of the FLSA. Defendant had annual gross volume

of sales which exceed \$500,000.00.

15. The minimum wage and overtime provisions of the FLSA set forth in Sections 206 and 207, respectively, apply to Defendant.

16. Pursuant to Section 207(a)(1) of the FLSA, Defendant was required to pay Plaintiffs overtime pay at a rate of one and one-half times their regular rates of pay for all hours worked over 40 during each workweek.

17. Defendant's failure to pay Plaintiffs overtime wages of one and one-half times their regular rates of pay for all overtime hours worked was a violation of Section 207(a)(1) of the FLSA.

18. Pursuant to Section 216(b) of the FLSA, Defendant is liable to Plaintiffs for overtime back pay.

19. In addition to the amount of unpaid overtime wages owing to Plaintiffs, Plaintiffs are also entitled to recover an equal amount of liquidated damages pursuant to 29 U.S.C. § 216(b).

20. Plaintiffs are entitled to an award of attorney's fees and costs pursuant to 29 U.S.C. § 216(b).

WHEREFORE, Plaintiffs pray for a judgment against Defendant for damages that include the following:

- (a) overtime back pay;
- (b) liquidated damages in amounts equal to their overtime back pay;
- (c) interest;
- (d) reasonable attorney's fees and costs; and
- (e) all other general legal and equitable relief to which they may be entitled.

Respectfully submitted,

/s/ R. Scott Jackson, Jr.
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